

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:  NORTH AMERICAN COMMUNICATIONS, INC. Debtor,  WELLS FARGO BANK, N.A.  Movant,  v.  NORTH AMERICAN COMMUNICATIONS, INC. LISA M. SWOPE, Trustee.  Respondents.	Bankruptcy No. 19-70349-JAD  Chapter 7  Doc. No.
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**WELLS FARGO BANK, N.A. 'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

AND NOW COMES, Movant, Wells Fargo Bank, N.A. (hereinafter "Movant") by and through its undersigned counsel, Bernstein-Burkley, P.C., and in support of its Motion for Relief from the Automatic Stay, represents as follows:

Parties

1. Respondent, North American Communications, Inc. (the "Debtor"), is a corporation located at 121 Woodlawn Terrace, Hollidaysburg, PA 16648.
2. Lisa M. Swope is the duly appointed Chapter 7 Trustee and is currently acting in such capacity.

Jurisdiction and Venue

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

Factual Background

4. On or about June 10, 2019, Debtor filed a voluntary petition for relief pursuant to Chapter 7 of the Bankruptcy Code.

5. On or about April 18, 2019, Debtor leased 2019 Taillift ZPG30C Forklift SN ETC00218 and a 2019 Taillift ZPG30C Forklift SN ETC00219, on or about January 23, 2015, Debtor leased a 2014 Hyundai 15BTR-9 Forklift, SN HHT06KE0000228, on or about January 22, 2015, Debtor leased a 2014 Hyundai 18BRP-7 Forklift, SN HHRQTE000080, on or about January 22, 2015, Debtor leased a 2014 Hyundai 18BRP-7 Forklift, SN HHRQTE000081, on or about April 3, 2018, Debtor leased a Two (2) 2017 Raymond 7300 Forklifts 4 Batteries, 2 Chargers, 2018 Taillift ZFG25C Forklift, SN ETC00136, 2018 Taillift ZFG25C Forklift, SN ETC00137, on or about January 10, 2018, Debtor leased a 2018 Taillift ZFG25C Forklift, SN ETC00138 (hereinafter collectively referred to as "Equipment"), pursuant to six (6) lease agreements (hereafter collectively referred to as "Leases") with the Movant, a true and correct copies of which are attached hereto as Exhibit A.

6. Movant is the owner of the Equipment and however Movant has filed UCC-1/financing statements evidencing its security interests in the Equipment. A true and correct copy of the financing statements are attached as Exhibit B.

7. The Leases require monthly payments of \$6,012.40 collectively, which amounts are due on a monthly basis to Movant.

8. Debtor is in default of payment obligations to Movant for the Leases in the amount of \$13,462.70 collectively.

9. The gross balance due on the Leases is \$311,857.82.

10. By failing to make the monthly lease payments, the Debtor has essentially rejected the Leases and therefore Movant is entitled to repossess the Equipment to recoup its losses.

11. Movant is entitled to relief from the automatic stay for cause, including lack of adequate protection, because Debtor has failed to make monthly Lease payments. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Wells Fargo Bank, N.A., respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d) granting Movant relief from stay with respect to the Equipment.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Counsel for Wells Fargo Bank, N.A.

Dated: July 18, 2019